

PROVO RIVER DISTRIBUTION SYSTEM
MINUTES OF SPECIAL MEETING HELD
January 11, 1990, 10:00 A.M.

ADOPTION OF RESOLUTION TO BE PRESENTED TO STATE ENGINEER

Prior to the arrival of the State Engineer staff, President Ure called a special meeting to order of those Directors present in Room 1400 of the new Courthouse as designated in the State Engineers notice of meeting dated December 28, 1989 and first noted that the room was not suitable to hold the meeting and ask Rick Cox if he would check to see if Room 2301 was available.

President Ure then counted those directors present and there being a quorum in attendance presented the resolution to be presented to the State Engineer regarding the filing of change applications and the Provo River System. After review by the directors, Director Anderson moved that the Resolution be adopted by the Board and that the President and Secretary be authorized to execute the Resolution. The motion was seconded by Director Giles and carried unanimously.

Room 2301 was available and the meeting was adjourned to room 2301.

Date approves: 1/11/90


Jack M. Gardner-Secretary

PROVO RIVER DISTRIBUTION SYSTEM

RESOLUTION

WHEREAS, the Provo River Distribution System is comprised of a Board of nine Directors. Each Director represents a group of water users which includes all the water users from the head water of the Provo River to Utah Lake; and

WHEREAS, the Board of Directors of the Provo River Distribution System is responsible for representing the water users on the Provo River and protecting their water interests; and

WHEREAS, the Provo River Distribution System has experienced and will continue to experience considerable impacts resulting from the approval by the State Engineer of water rights change applications based upon applicants' ownership of shares of stock in irrigation companies; and

WHEREAS, upon approval of these change applications the applicant has been permitted to remove a proportionate share of water from an irrigation company's canal system; even though title to the water rights belong to the canal company and the bylaws and articles in many cases prohibit such action, without requirements by the State Engineer that an equitable quantity of water represented by the applicant's

stock remain in the irrigation company's canal system for canal loss and carriage water, and also without requirements by the State Engineer that an equitable quantity of the applicant's water remain in the Provo River System to satisfy return flows to the Provo River as provided for in the Provo River Decree; and

WHEREAS, the State Engineer has approved numerous change applications to wells throughout the drainage without adequate funds and provisions for the continued monitoring and regulation of these wells by either the Provo River Commissioner or the State Engineer.

NOW, THEREFORE, BE IT RESOLVED AND IT IS HEREBY

RESOLVED, that this Board of Directors of the Provo River Distribution System is opposed to any future approval of water rights change applications that remove water rights from irrigation companies within this system without equitable provisions wherein the applicant is required to allocate a portion of his shares of irrigation stock as determined by the irrigation company for canal losses, carriage water and return flow water to the Provo River System; and

FURTHER RESOLVED, that the State Engineer enforce existing memorandum decisions that require change applicants to

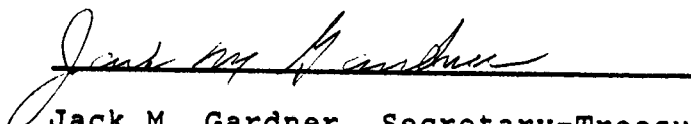
pay expenses incurred through the distribution and regulation of these waters by exacting payment from the applicant to the general fund of the Provo River Distribution System for such costs, in addition to those assessed by the irrigation company, as determined by the Provo River Commissioner and the State Engineer.

FURTHER RESOLVED, that all future applicants be required to contact the Provo River Commissioner and satisfactorily demonstrate to him that the applicant can and will properly meter diversion of water prior to the approval by the State Engineer for such diversion.

DATED this 11th day of January, 1990.

J. Edwin Ure,
Chairman

ATTEST:


Jack M. Gardner, Secretary-Treasurer